

Law officials don't want bail changes

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Some of Sedgwick County's top criminal-justice officials on Thursday asked lawmakers to resist efforts by the bail-bond industry to change the way that arrestees get out of jail.

Members of the Criminal Justice Coordinating Council, including Sheriff Bob Hinshaw and Chief Judge James Fleetwood, said changes proposed by bondsmen would unnecessarily lengthen jail stays and increase incarceration costs by making low-level offenders appear before a judge.

They said the only benefit they could see from the change would go to bail bond companies, which would see an increase in business from making it harder to release small-time offenders who represent a minimal flight risk.

Bail-bond industry lobbyists who represented the industry on the bill this year could not be reached for comment Thursday.

The coordinating council, an interagency group of officials in police, courts and corrections, made its case against the bill during a meeting with state lawmakers, who will return to Topeka next month.

"The meaningful intent would be to protect this business (bail bonds) substantially from both competition and also to ensure that they receive a share of all the business," Fleetwood said. "I don't think that's fair to either those people who are involved in the system or those who are trying to run the system."

Lawmakers did not take action on the bond bill this year, but Fleetwood said he expects the bail-bond industry to renew its push "with more vigor" when the lawmakers return for the 2012 session.

There are several paths out of jail for people who are awaiting trial, according to Hinshaw and Mark Masterson, county director of community corrections.

Jail officials now have a list of preset bail amounts that they can use to release suspects. That depends on the type of crime accusation and other factors, including whether the suspect has missed court appearances before. The suspect can either deposit bail directly with the court or pay about 10 percent of the cost to a bail bond company, which will then guarantee the entire amount.

Those believed to be the most likely to make their court appearances can be released on their own recognizance, meaning that they don't have to post bail.

Suspects who are indigent and can't afford to make bail can be placed on pretrial supervision, in which they have to report to a probation officer weekly and take a drug test.

Suspects who are believed to be dangerous, or who can't meet the other requirements for immediate bail, have to go before a judge to have bail set.

Under the bill proposed by bondsmen, all suspects would have to go before a judge. To release a suspect on his or her own recognizance, the judge would have to put on the record specific findings of why the person can go free without bail.

Hinshaw said the county jail averages about 80 to 90 bookings a day. Of those, only about 15 to 20 will actually see a judge to set bail.

Hinshaw said the system proposed by the bondsmen would seriously clog that system. Suspects – even those who aren't facing jail time if convicted – would have to stay in custody longer waiting to see a judge.

The county would also be on the hook for increased expenses of providing court personnel, prosecutors and public defenders.

Rep. Pat Colloton, R-Leawood, is chairwoman of the House Corrections and Juvenile Justice Committee, which considered the bail bond legislation and would be the focal point of a renewed push if it comes in 2012.

She said the bondsmen argued that the current system allows courts to release too many suspects without guarantees that they'll come back for trial. The bonding companies have procedures in place to try to track down absconders, which they say the current system lacks.

Colloton said that for now, she is siding with the judges and sheriffs who say the current system is working well. The bonding companies would need to show a real threat to public safety to earn her support, she said.

This year, the committee just let the bill sit.

“Whether the bill gets a hearing or not this (coming) year, I'm unsure,” Colloton said.

Rep. Melody McCray-Miller, D-Wichita, said she thinks the bond bill remains a non-starter because it's “an industry-driven bill” that benefits bonding companies at the expense of the public.

“It's goofy,” added Rep. Jim Ward, D-Wichita. “It's just goofy.”

Read more: <http://www.kansas.com/2011/12/01/2124384/law-officials-dont-want-bail-changes.html#ixzz1fOwF22q9>